

Santa Barbara City Council Subcommittee on Homelessness and Community Relations  
August 29, 2008  
9 – 11 a.m.

Louise Lowry Davis Center  
1232 De la Vina Street  
Santa Barbara, CA 93101  
Minutes

**Topic - Establishment of a Recovery Zone or Alcohol Impact Area in  
the Lower Milpas Street Area**

Council Members Present: Dale Francisco, Helene Schneider

Staff Present: Frank Mannix, Sue Gray, Dave Gustafson, Don Olson, Sarah Knecht

1. **REPORT ON CURRENT ISSUES IN THE LOWER MILPAS STREET AREA**  
Frank Mannix, S.B. Police Department, reported on the 10-year history of offense reports (which are a combination of calls for service and self-initiated activity by the police department) in the lower Milpas area from 300 N. Milpas Street to the Beach. The calls included drug & alcohol related offenses, admissions to sobering centers, loitering, lewd acts, etc. The offense reports totaled 137 in 1998, 468 in 2001, 658 in 2005 and 471 in 2007. This amounts to a 248% increase in the 10-year period. Captain Mannix explained that some of this is due to more enforcement in the area since Casa Esperanza was opened. He stated that there has been an increase of calls in the area since the shelter opened, but he was very reluctant to categorize it as a 248% increase. The calls for service received directly from Casa Esperanza totaled 20 in 1998, 233 in 2005 and 164 in 2007. The offense reports for the upper Milpas area have remained relatively constant in the past ten years, ranging from 200 – 238. Comments included: the increase could be due to the ban on drinking at the beach that was instituted shortly after Casa Esperanza opened; the need for a 24 hour drop in shelter; question as to the number of repeat offenders; question as to the number of police deployed in the area; a need for a place where people can drink.
2. **REQUEST FROM MILPAS ACTION TASK FORCE FOR RECOVERY ZONE IN LOWER MILPAS AREA**  
Gary Linker, Milpas Action Task Force handed out a letter from the Milpas Action Task Force asking the Council for the following: a consistent, proactive police presence to safeguard the residents and people in the area from drug dealing, illegal panhandling, loitering and illegal sales of alcoholic beverages to intoxicated individuals; a change in the terms of probation and parole (stay order) so that convicted drug dealers would not be allowed in the recovery zone; that City Council inform the state Alcohol Beverage Control that several liquor outlets in the area are breaking the law by selling alcohol to people who are clearly intoxicated; and, that City Council establish a CUP process whereby any business wishing to sell alcoholic beverages must abide by conditions the Council would establish for such sales.

Questions as to why not a citywide ban instead of one area and how many liquor stores currently in the zone. Gary answered that they are focusing on the area around

recovery facilities and there are 20+ establishments currently selling liquor in the proposed zone.

### 3. ALCOHOL BEVERAGE CONTROL (ABC) LICENSING PROCESS

Frank Mannix, S.B. Police Department, reported on the ABC licensing application and disciplinary process. He stated that the Police Department has a good relationship with the State ABC. In order to obtain a liquor license, a business must first submit an application to ABC. ABC then contacts the City Police Department and they forward it to the Nightlife Enforcement Team. The City can make a recommendation to protest the application (which can then be appealed by the applicant). The City can also protest the application “conditionally”, or they can make the decision not to object to the application. The ABC then investigates the applicant. In making their recommendation, the City considers the density of licenses in the area of the application and it can be denied if the ratio in the area is greater than the ratio in the County as a whole. Once an applicant receives a liquor license it is hard to take it away; however, they can receive punitive sanctions and a suspension of the license if there are multiple violations.

### 4. CITY ATTORNEY INPUT

Sarah Knecht, Assistant City Attorney, reported on a couple of programs in Seattle, Washington and the City’s legislative platform. She reported that the State of Washington adopted legislation that authorized their alcohol beverage control board (ABC) to work with local jurisdictions to develop Alcohol Impact Areas. The first city to implement one was Tacoma, then Seattle. The first step is to initiate a voluntary compliance of businesses in the area to ban sales on certain types of alcoholic beverages. Seattle did this for 6 months and 30% of the businesses agreed. They determined that the voluntary ban was not working so they went to the ABC with this information as well as police reports, medical response in the area and citizen complaints. They asked the ABC to prohibit “certain products” in the zones (Seattle has three different zones). The results on mixed on the success of this program. It has been reported that people just go outside the area to buy liquor or they buy different products. Also, the ban was based on a list of brand names, so liquor distributors changed the names of the products and businesses were then able to get around the ban and sell them. They are now looking at banning certain formulas instead of brand names. At this time, California does not have a statute that would allow alcohol impact areas, so the first step would be state-wide legislation.

Sarah reported on another program in Seattle that involves probationary “stay away” orders for 90 days on a pre-trial basis and longer for those on probation for drug related offenses. The orders must be very specific and limited to the area where the individual was arrested. However, if the person either lives, works or goes to church in the area they must be excluded from the order. Enforcement is an issue. In order to do this in Santa Barbara, the District Attorney must be willing to impose the stay order and the judge must be willing to uphold it.

Sarah reported that the City’s Legislative Platform includes support of legislation to encourage local control over problem alcohol establishments and properties where illegal drugs are sold.

### 5. INPUT FROM COMMUNITY

Several comments were made related to the establishment of a Recovery Zone or Alcohol Impact Area in the Lower Milpas Street Area and included:

- Most of the drug dealing is coming from the “wall”
- Concept sounds good, but some reservations about whether it will work
- Tri-County voluntarily refused to sell 40 ouncers and will not sell to inebriates
- Need to address chronic alcoholic also
- Need to give hope and treatment instead of tickets
- People need help and homes first
- Need for a “wet” zone as well as a “dry” zone
- Need “bunks for drunks” like Seattle, housing first, do no harm
- Need for proactive police presence
- Concentration of all homeless in one area is a problem
- Program in Malibu for day laborers, similar program here may help drug dealing on “wall”
- How far should we go to try to stop the problem (how many types of liquor should be banned)
- Success at Casa Esperanza would be for people in treatment at the shelter to feel safe and able to go to park without being approached by drug dealers
- Need for alternatives instead of enforcement
- Housing First is the answer
- We owe merchants in the area a higher level of public service in exchange for placing shelter there (police, public works)
- If City considered a CUP it would only apply to new businesses, existing stores would be grandfathered in
- Need to consider the City’s constitutional standing of impinging upon the rights of persons to associate with others (must be narrow, criminal behavior only)
- Change in legal status – people used to be issued bench warrants for offenses, now issued citations which just pile up if not paid
- Many drug/alcohol offenders also have mental illness which must also be addressed
- Only one detox center on the South Coast/12 beds for all, not just homeless
- Move shelter and detox to another area
- Maybe zone needs to be expanded
- Recovery zone can be piece of solution, cannot be total solution
- Need increased outreach by both police and service providers – educate people about services available
- Need for increased police presence

In response to a question about which beat the recovery zone is in, Captain Mannix reported that the City has 6 beats and the proposed recovery zone is in portions of beats 1 & 2. He stated that those beats already receive enhanced police presence and to increase it further would require a shift of resources that would impact other areas. He stated that they have three specialized areas, tactical patrol, narcotic unit and gang unit and they distribute their resources equitably to address all of the needs in the community. Councilmember Francisco stated that he would not tell the Police Department how to allocate their resources.

Councilmember Schneider suggested that the subcommittee look at the feasibility of the four requests from the Milpas Action Task Force, particularly the CUP and police

enhancement, and also to incorporate these recommendations in context with the other discussion items from all meetings as they relate to alcohol-related issues, detox facilities and homeless street outreach enhancement options.

6. DATE/TIME OF NEXT MEETING

The next meeting will be held on Thursday, September 11<sup>th</sup> from 9 – 11 a.m. at the Louise Lowry Davis Center.

7. ADJOURN

The meeting was adjourned at 11:00 a.m.

8. ATTENDEES

Roger Heroux, Bringing Our Community Home  
Nancy McCradie, Homes on Wheels  
Tom Nilsen  
Gary Linker, New Beginnings  
John Dixon, Tri-County Produce  
Dave Hopkins  
Bob Hansen  
R.P. Strat  
Petra Lowen, ILRC  
Isabel Blagborne,, CADA  
John Buttny, 10 Year Plan to End Homelessness  
Imelda Loza, Casa Esperanza

Dave Lombardi, Fast Frame/Downtown Organization  
Bill Collyer, Downtown Organization  
Billy Godwin  
Fred Kuhlmann  
Alex Lambrous, Legal Aid  
Barbara Reaume  
Sebastian Albana, Frankin Community Center  
Ernie Rodriguez, SBCEO  
Wim Verkaik, Fighting Back – CADA  
Maureen Earls, 10 Year Plan to End Homelessness  
Jack Wilson  
Ruth Wilson  
Jennifer Ferraez, ADMHS  
Norma Kutze  
Daniel Knapp